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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,401	07/27/2000	Thomas A. Cocotis	36.P266	2889

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EXAMINER

KERR, DEBRA E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/627,401

Applicant(s)

COCOTIS ET AL.

Examiner

Debra E Kerr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 6.                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9, 11-27 and 29-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman (US 5,826,244) in view of Shiota et al. (US 6,324,521).**

Huberman substantially discloses all the limitations of the listed claims. For example, Huberman teaches a method and system for providing an open document services market over a network comprising a broker acting as an intermediary to match print suppliers with customers through a competitive bidding process. The broker collects information about document services provided by suppliers such as print shops or publishers, receives orders for print jobs including quantity, quality, time limits and any other requirements needed to complete the job, forwards the job requirements to multiple suppliers, conducts one or more bidding rounds among interested suppliers, awards the job to the supplier or suppliers that fulfil the criteria for a winning bid, and offers the customer the opportunity to select a supplier, select from a group of suppliers, or reject all suppliers and cancel the order. The customer can then communicate order specifics to the supplier via the broker or directly and arrange payment to the supplier

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upon delivery of the product. The broker collects a fee from the customer, the supplier, or both. Hubermans also discloses a subcontracting process whereby a print supplier can win a bid and then act as a customer by subcontracting part of the order to another supplier in a subsequent auction. Prices for recent jobs can be published by the broker to inform suppliers of current market conditions, and standard job information such as price per page for a specific quantity and type of print job can be broadcast in order to attract suppliers who typically produce the type of print service described. (see at least co. 3, line 41 – col. 4 line 23, col. 4 line 45 – col. 5 line 32, col. 8 lines 51-65, col. 13 line 54 – col. 14 line 46).

As per claims 3 and 26, Huberman substantially discloses the claimed invention but fails to teach transmitting digital data from an interactive shop to a service provider. Shiota teaches transmitting digital image data, either scanned from a photograph or taken from a digital camera's memory card, over a network to a minilab or other service provider from a photo shop (see col. 1 line 62 – col. 2 line 42). It would have been obvious to transmit digital image data over a network from an interactive shop such as an over-the-counter minilab, in order to increase customer satisfaction by allowing a customer to select a remote lab or service provider best equipped to fill an order.

As per claims 6 and 29, Huberman substantially discloses the claimed invention but fails to teach transmitting an order status to a market portal. Shiota teaches a service provider informing a customer via electronic mail that a print order is ready to be delivered or picked up. It would have been obvious to combine Huberman's document service system with the teaching of Shiota regarding providing an order status, in order

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to expedite customer retrieval of goods and therefore speedy payment for the completed order.

As per claim 21, Huberman substantially discloses the claimed invention but fails to teach establishing an agreement between a service provider and more than one interactive shop. Shiota teaches a network system where interactive shops such as over-the-counter laboratories (also called one-hour-photo labs) interact with a central server or broker and with wholesale labs for providing special services (see col. 7, lines 2-57). It would have been obvious to combine Huberman's document service system with the teaching of Shiota regarding between interactive shops such as minilabs, and a wholesale lab, in order to increase profits for both by allowing them to provide different printing services for customers.

**Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman in view of Shiota, and further in view of Enomoto et al. (US. 5,974,401).**

Huberman and Shiota substantially disclose the claimed invention but fail to teach selecting service providers in anticipation of an order being placed, or information reflecting the level of satisfaction associated with a service provider. Enomoto teaches a digital print order system that provides a photofinisher list over the Internet for a customer to select from. The list is updated periodically and includes type of printer equipment at each photofinisher as well as a price table and a delivery date table for each. It would have been obvious to combine Huberman's document service system

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and Shiota's digital print system with the teaching of Enomoto regarding providing a photofinisher list over a network. Doing so would increase customer satisfaction by allowing a customer to decide which service provider has the equipment and services best suited to their needs and select that provider before placing an order over the network.

Enomoto is silent regarding associating a level of satisfaction with a service provider. However, it is well known in the business world to indicate customer satisfaction when ranking a list of merchants or suppliers, as in consumer guides, and it would have been obvious to provide this feature along with the other listed characteristics of a photofinisher list, in order to further assist customers in choosing a service provider.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra E Kerr whose telephone number is (703) 305-3184. The examiner can normally be reached Monday through Friday from 7 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 305-1440. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Debra Kerr

DEK

September 12, 2002

  
WAYNE W. COGGINS  
SUPERVISORY PATENT EXAMINER  
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